

REAL ESTATE BOARD
MINUTES OF MEETING

September 14, 2006

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman
Nathaniel Brown (arrived at 9:30 AM)
Judith L. Childress
Marjorie Clark
Carol Clarke
Florence Daniels
Scott Gaeser
Miles Leon
Byrl Taylor

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Tammie Hall, Education Administrator
Liz Hayes, Fair Housing Administrator
Earlyne Perkins, Legal Analyst
Chris Olson, Administrative Assistant

Tom Payne and Eric Gregory from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:17 AM.

Call to Order

Chairman Oglesby introduced new Board Member Scott Gaeser.

Introduction of Board Member

No one addressed the Board during the **Public Comment period**.

Public Comment Period

A motion was made by Ms. Clarke and seconded by Ms. Daniels to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Agenda

A motion was made by Ms. Daniels and seconded by Ms. Childress to adopt the following minutes: July 6, 2006, Informal Fact-Finding

Minutes

Conference; July 12, 2006, Informal Fact-Finding Conference (AM); July 12, 2006, Education Committee Meeting; July 12, 2006, Informal Fact-Finding Conference (PM); July 13, 2006, Real Estate Board Meeting; July 20, 2006, Informal Fact-Finding Conference; July 26, 2006, Informal Fact-Finding Conference; August 1, 2006, Informal Fact-Finding Conference; August 3, 2006, Informal Fact-Finding Conference; August 4, 2006, Informal Fact-Finding Conference; August 9, 2006, Informal Fact-Finding Conference; August 17, 2006, Informal Fact-Finding Conference; and August 24, 2006, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load. No action was taken by the Board.

The Board agreed without dissent to defer the following case to its next scheduled Board meeting to allow staff to collect additional information:

- **Maria Diaz and Rafael Hernandez-Barrera v. Toll Brothers, Inc.**
REB File Number 2006-03070
HUD File Number 03-06-0131-8
- **David and Lisa Delgado v. McEneaney Associates, Inc., Betty Mallon and John E. McEneaney**
REB File Number 2006-02117
HUD File Number 03-06-0034-8

In the matter of **Nancy Jo Lee v. Andrew Chisholm, Sherri Richardson, Cushman & Wakefield of Virginia, Inc., and Morton G. Thalhimer, Inc., REB File Number 2006-03722**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Sherri Richardson, the respondent, Charles Adams, Attorney for the respondents, and Alex Jensen, representative of Thalhimer, Inc., were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Board Member Nathaniel Brown arrived at 9:30 AM.

In the matter of **Jason and Carol Sapp v. Louis Marin, REB File Number 2006-00395**, the Board reviewed the record which consisted of

Fair Housing Administrators Report

Deferred Cases

**Nancy Jo Lee v. Andrew
Chisholm, Sherri
Richardson, Cushman &
Wakefield of Virginia,
Inc., and Morton G.
Thalhimer, Inc., REB
File Number 2006-03722**

Arrival of Board Member

**Jason and Carol Sapp v.
Louis Marin, REB File**

the Final Investigative Report and Case Analysis and Recommendation. Louis Marin, the respondent, and Lynn Jacob, Attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to find reasonable cause against Mr. Marin due to discrimination based on discriminatory terms and conditions. After discussion the Board requested to enter into executive session.

Number 2006-00395

At 9:49 AM. Ms. Clark made a motion which was seconded by Ms. Daniels, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and Deanda Shelton

Closed Meeting

This motion is made with respect to the matter(s) identified as agenda item(s):

3. Fair Housing Cases

**REB File Number 2006-00395, Jason and Carol Sapp v.
Louis Marin**

At 10:25 AM., a motion was made by Ms. Clark and seconded by Ms. Daniels that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 9-0

AYES Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None

The Board heard the motion made by Ms. Clark and seconded by Ms. Daniels to find reasonable cause against Mr. Marin due to discrimination based on discriminatory terms and conditions. The motion passed by majority vote. Members voting "Yes" were Brown, Clark, Clarke, Daniels, and Gaeser. Members voting "No" were Childress, Leon, Oglesby, and Taylor. The Board agreed without dissent to defer issuing a charge for thirty days to allow staff the opportunity to pursue conciliation.

**Jason and Carol Sapp v.
Louis Marin, REB File
Number 2006-00395**

A motion was made by Ms. Clark and seconded by Ms. Daniels to find no reasonable cause against Mr. Marin in the matter of refusal to sell. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Mary Hill v. Susan Rose, Madeline Merritt, Liz Davidson and Rose & Womble Realty Co., REB File Number 2006-03562**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Mary Hill v. Susan Rose,
Madeline Merritt, Liz
Davidson and Rose &
Womble Realty Co., REB
File Number 2006-03562**

In the matter of **Rebecca Holt v. Synthia Randolph and Banyan Realty LLC, REB File Number 2006-04373**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Rebecca Holt v. Synthia
Randolph and Banyan
Realty LLC, REB File
Number 2006-04373**

In the matter of **Wendy Giovani and Alexander Jimenez v. S.L. Nusbaum Realty Company and Jim Ginnell**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

**Wendy Giovani and
Alexander Jimenez v.
S.L. Nusbaum Realty
Company and Jim
Ginnell**

Due to a possible conflict of interest, Mr. Leon recused himself from the discussion and vote pertaining to this matter.

The Board considered the matter of **Corey Ogletree v. Sonia Lownsbury and Eudailey Referral Service, REB File Number 2005-00450**. A motion was made by Mr. Ms. Daniels and seconded by Ms. Clarke to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Corey Ogletree v. Sonia Lownsbury and Eudailey Referral Service, REB File Number 2005-00450

The Board considered the matter of **Bernadette Chamberlin v. Citas White, Pat Waddy, Cafritz Company and Lance K. Ford, REB File Number 2005-04941**. A motion was made by Mr. Ms. Daniels and seconded by Ms. Clarke to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Bernadette Chamberlin v. Citas White, Pat Waddy, Cafritz Company and Lance K. Ford, REB File Number 2005-04941

A motion was made by Ms. Daniels and seconded by Ms. Clarke to approve the Fair Housing minutes of July 13, 2006. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Fair Housing Minutes

No one addressed the Board during the **Public Comment period**.

Public Comment Period

In the matter of **File Number 2006-01649, William Crespo**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Andrew Biondi, Attorney for the respondent, and Hampton Lea, complainant, were present and addressed the Board. A motion was made by A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-01649 William Crespo

In the matter of **File Number 2006-05510 Sukhwinder Ruprai**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Sukhwinder Ruprai, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation

File Number 2006-05510 Sukhwinder Ruprai

contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Ruprai's application for a real estate broker's license. Mr. Ruprai has not been actively engaged as a salesperson and/or broker for 36 of the last 48 months preceding application and does not have the transactional experience the board requires of a broker. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Taylor did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2006-05413 Charles Freeman**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Charles Freeman, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Freeman's application for a real estate broker's license due to the lack of transactional experience the board requires of its brokers. However, the Board agreed to issue Mr. Freeman a salespersons license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

File Number 2006-05413
Charles Freeman

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Taylor did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2006-05092 Alton Echols**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Echols, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Echols' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

File Number 2006-05092
Alton Echols

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Taylor did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2007-00248 Allen Walker**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Walker, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Walker's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00248
Allen Walker

In the matter of **File Number 2007-00249 David Bowlin**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Bowlin, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Bowlin's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00249
David Bowlin

In the matter of **File Number 2007-00250 Jack Bond**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Bond, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Bond's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00250
Jack Bond

In the matter of **File Number 2007-00251 Katherine Wilson-Miller**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Wilson-Miller, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after

File Number 2007-00251
Katherine Wilson-Miller

consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Wilson-Miller's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-05409 Sheila Abbott-Baynum**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Abbott-Baynum, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Abbott-Baynum's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05409
Sheila Abbott-Baynum

In the matter of **File Number 2007-00063 Alexander Fullard**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Fullard, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Fullard's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Childress, Clarke, Daniels, Gaeser, Leon, and Oglesby. Member voting "No" was Ms. Taylor. Mr. Brown and Ms. Clark abstained from voting.

File Number 2007-00063
Alexander Fullard

In the matter of **File Number 2006-05408 Tenicka Chaney**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Chaney, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Chaney's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

File Number 2006-05408
Tenicka Chaney

Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-05410 Daniel Zarate**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Zarate, the applicant, Angelina Reyes friend of Mr. Zarate, and Fraulein Zarate, Mr. Zarate's wife, were present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, deny Mr. Zarate's application for a real estate salesperson's license due to the relationship of his crime and the purpose for requiring a license and the recentness of the offense. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Daniels, Johnson, Oglesby, and Taylor. Members voting "No" were Clark, Clarke, and Leon.

File Number 2006-05410
Daniel Zarate

In the matter of **File Number 2006-05028 Joseph Owens**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Owens, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Owens' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05028
Joseph Owens

In the matter of **File Number 2007-00206 Gerald Shor**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Mr. Shor, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Shor's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00206
Gerald Shor

In the matter of **File Number 2007-00004 Jason Adams**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Adams, the applicant, was present and

File Number 2007-00004
Jason Adams

addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Adams' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-04512 Jacqueline Neville**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Neville, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Neville's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-04512
Jacqueline Neville

In the matter of **File Number 2007-00005 Kristi Cahow**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Cahow, the applicant, and Evelyn Lowe, Broker, were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Neville's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00005
Kristi Cahow

The Board recessed from 11:23 AM to 11:42 AM.

Break

Mr. Oglesby turned the position of Chair over to Ms. Daniels and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2005-04351 Barbara A. Trasker**, the Board reviewed the Consent Order as seen and agreed to by Ms. Trasker. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Ms. Trasker admits to a violation of 18 VAC 135-20-210.A of the Board's 2004 Regulations (Count 1) and §54.1-2106.1.C of the *Code of Virginia* (Count 2). For these violations, Ms.

File Number 2005-04351
Barbara A. Trasker

Trasker agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2 as well as \$150.00 in Board costs for a total of \$750.00. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2006-01538 Otis Bannister**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180-B.1.a (Count 1) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2006-01538
Otis Bannister

A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-170.A.1 (Count 2) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,000.00 for the violation of Count 1, due to the serious nature of the violation. In addition, the Board imposes revocation of Mr. Bannister’s license for the violation of Count 1. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500.00 for the violation of Count 2. In addition, the Board imposes revocation of Mr. Bannister’s license for the violation of Count 2. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2006-00705 Amani Hussein**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Taylor and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2006-00705
Amani Hussein

A motion was made by Ms. Clark and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose revocation of Mr. Hussein's salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-03697 Sean Bates**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bates. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Mr. Bates admits to violations of 18 VAC 135-20-260.10 (Count 1), 18 VAC 135-20-270.3 (Count 2), 18 VAC 135-20-300.9 (Count 3), and 18 VAC 135-20-260.1 (Count 4) of the Board's 2003 Regulations and agrees to revocation of his license. Andrews also agrees to reimburse the Board \$150 in Board costs. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2005-03697
Sean Bates

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2005-02716 Dorothy Childs**, the Board reviewed the Consent Order as seen and agreed to by Ms. Childs. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the Consent Order wherein Ms. Childs admits to violations of 18 VAC 135-20-310.2 of the Board's 2003 Regulations and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1 as well as \$350.00 in Board costs for a total of \$700.00. The motion passed

File Number 2005-02716
Dorothy Childs

unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

Mr. Oglesby returned and assumed the position of chair.

In the matter of **File Number 2006-03337 Dennis Mason**, the Board reviewed the Consent Order as seen and agreed to by Mr. Mason. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the Consent Order wherein Mr. Mason admits to a violation of 18 VAC 135-20-260.8 of the Board’s 2004 Regulations and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1 as well as \$150.00 in Board costs for a total of \$400.00. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

As the reviewing Board member, Mr. Leon did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2006-01825 Maria Ramirez**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2132(A)(4) (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, Leon, and Taylor.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board’s 2004 regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, Leon, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,000.00 for the violation of Count 1. In addition, Ms. Ramirez shall complete four hours of continuing education pertaining to contracts and finance within sixty (60) days of the effective date of this order and be placed on

Transfer of Chair

File Number 2006-03337
Dennis Mason

File Number 2006-01825
Maria Ramirez

probation for a period of 18 months. As a condition of probation, Ms. Ramirez and her broker shall provide quarterly reports to the Board stating that Ms. Ramirez is in compliance with the rules and regulations of the Board. The Board voted to increase the sanctions due to the seriousness of the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

A motion was made by Ms. Childress and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,500.00 for the violation of Count 2. In addition, Ms. Ramirez shall complete four hours of continuing education pertaining to ethics and standards of conduct within sixty (60) days of the effective date of this order and be placed on probation for a period of 18 months. As a condition of probation, Ms. Ramirez and her broker shall provide quarterly reports to the Board stating that Ms. Ramirez is in compliance with the rules and regulations of the Board. The Board voted to increase the sanctions due to the seriousness of the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-00748 Sherry Samples**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-00748
Sherry Samples

A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-250 (Count 2) of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no penalty for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of 1,500.00 and revocation of license for the violation of Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-04990 David Osterhus**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Osterhus' application for a real estate broker's license due to the lack of transactional experience the Board requires of its brokers. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

File Number 2006-04990
David Osterhus

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Taylor did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2007-00252 Donald McCulloch**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. McCulloch's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00252
Donald McCulloch

In the matter of **File Number 2007-00253 Rigoberto Benitez**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, deny Mr. Benitez's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00253
Rigoberto Benitez

In the matter of **File Number 2007-00208 George Trageser**, the Board

File Number 2007-00208

reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Trageser's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby. Member voting "No" was Taylor.

George Trageser

In the matter of **File Number 2006-05512 Pamela Eubanks**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Eubank's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05512
Pamela Eubanks

In the matter of **File Number 2006-05146 Robert Waldrop**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Waldrop's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05146
Robert Waldrop

In the matter of **File Number 2006-05310 Crystal Dix**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Anderson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05310
Crystal Dix

In the matter of **File Number 2006-03964 Charlene McCabe**, the Board reviewed the Consent Order as seen and agreed to by Ms. McCabe. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the Consent Order wherein Ms. McCabe admits to a violation of 18 VAC 135-20-310.2 of the Board's 2004 Regulations and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1 as well as \$150.00 in Board costs for a total of \$500.00. In addition, for violation of Count 1, Ms. McCabe agrees to complete eight (8) hours of continuing education pertaining to escrow account management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-03964
Charlene McCabe

In the matter of **File Number 2006-00605 Brandermill Resort Time-Share**, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-00605
Brandermill Resort
Time-Share

In the matter of **File Number 2006-01021 Brandermill Resort Time-Share**, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-01021
Brandermill Resort
Time-Share

In the matter of **File Number 2006-01720 Brandermill Resort Time-**

File Number 2006-01720

Share, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Brandermill Resort
Time-Share**

In the matter of **File Number 2006-01890 Brandermill Resort Time-Share**, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2006-01890
Brandermill Resort
Time-Share**

In the matter of **File Number 2006-02440 Brandermill Resort Time-Share**, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2006-2440
Brandermill Resort
Time-Share**

In the matter of **File Number 2006-02443 Brandermill Resort Time-Share**, the Board reviewed the Consent Order as seen and agreed to by Brandermill Resort Time-Share. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the Consent Order wherein Brandermill Resort Time-Share admits to a violation of 18 VAC 135-40-110.A (Count 1), and 18 VAC 135-40-420.A (Count 2) of the Board's 2003 Regulations and §55-374.E of the *Code of Virginia* (Count 3) and

**File Number 2006-02443
Brandermill Resort
Time-Share**

agrees to Cease and Desist from selling time-share units until it is in full compliance with the Virginia Time-Share Act. The motion passed unanimously. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to reconsider **File Number 2006-05410 Daniel Zarate**. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2006-05410
Daniel Zarate

The Board having reflected upon other similar previous applications for licensure by persons having convictions of the same or similar degree of severity, and for purposes of consistency, requests that the recommendation of the hearing officer be rejected and instead recommends approval of Mr. Zarate’s application for a salespersons license.

A motion was made by Ms. Clarke and seconded by Mr. Gaeser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead issue Mr. Zarate a salesperson license subject to an agreement for licensure for a period of two years during which, quarterly reports will be filed by the respondent and his broker to the Board. The motion passed by majority vote. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby. Member voting “No” was Taylor.

Eric Gregory, Assistant Attorney General, updated the Board on his discussions with the West Virginia Real Estate Board concerning reciprocity. The Board requested that Eric Gregory continue discussions with the West Virginia Real Estate Board concerning the proposed reciprocity agreement.

West Virginia
Reciprocity

Eric Gregory updated the Board on the William Carter appeal scheduled for October 24, 2006. No action was taken by the Board.

Old Business

The Board recessed for lunch from 12:55 PM to 1:30 PM.

Lunch

The Board received a request from Maureen Gasink to end her Agreement for Licensure to allow her the opportunity to have her own licensed Real Estate firm. A motion was made by Mr. Leon and seconded by Mr. Gaeser to re-issue an Agreement for Licensure for Ms. Gasink that ends the requirement that she work under a Principal Broker. All other aspects of the current Agreement for Licensure would stay the same including the scheduled expiration date of June, 2008. The motion

Maureen Gasink Request

passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Tom Payne, Assistant Attorney General, addressed the Board concerning the Motley’s Auction Fair Housing Case. Attempted conciliation by the Fair Housing Investigators failed. The Case will now move to litigation. A motion was made by Ms. Clarke and seconded by Ms. Daniels to postpone a Board decision on the status of Motley Auctions Real Estate license until the outcome of the case has been received. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Old Business

Ms. Clark updated the Board on the ARELLO District Conference that was held in Oklahoma City, Oklahoma. No action was taken by the Board.

ARELLO Conference

Board Member Miles Leon left at 2:00 PM.

Departure of Board Member

A motion was made by Ms. Clark and seconded by Ms. Clarke to create a nomination committee to determine nominations for the Chair and Vice Chair positions. Nominations would be postponed until the next Board meeting. The motion failed due to a lack of majority vote. Members voting “Yes” were Brown, Clark, Clarke, and Daniels. Members voting “No” were Childress, Gaeser, Oglesby, and Taylor.

Election of Officers

Director DeBoer conducted the election of officers. Ms. Taylor nominated Mr. Oglesby for the position of Chair. Ms. Clare nominated Ms. Daniels for the position of Chair. Voting was done by paper ballot. Mr. Oglesby was elected for the position of Chair.

Ms. Childress nominated Ms. Taylor for the position of Vice Chair. Ms. Clark nominated Ms. Clarke for the position of Vice Chair. Voting was done by paper ballot with a tie being the outcome. The Board agreed without dissent to conduct a vote for Vice Chair at the beginning of its next scheduled Board meeting.

Ms. Childress gave the Education Committee Report. A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the September 13, 2006, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

Education Committee Report

There being no further business, the Board adjourned at 2:55 PM.

Adjourn

R. Schaefer Oglesby, Chairman

Jay DeBoer, Secretary